

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
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Post Office Box 20207
Nashville, TN 37202

November 14, 2001

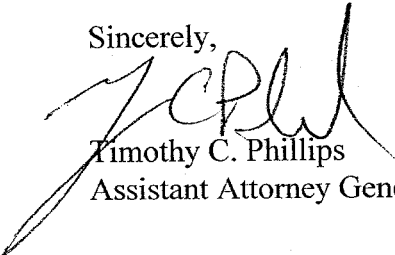
Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: United Cities Gas Company Petition for
Approval of New or Revised Franchise
Agreements with Kingsport, Bristol,
Morristown and Maury County
Docket No. 00-00562**

Dear Mr. Waddell:

Enclosed is an original and thirteen copies of the State of Tennessee Attorney General's Response to United Cities Gas Company's Motion for Partial Summary Judgment and Attorney General's Motion for Extension of Time to Respond in the above referenced docket for filing. If you have any questions, kindly contact me at (615) 741-3533. Thank you.

Sincerely,


Timothy C. Phillips
Assistant Attorney General

cc: Jonathon Wike, Esq.
Joe Conner, Esq.

Enclosures

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: UNITED CITIES GAS) DOCKET NO. 00-00562
COMPANY PETITION FOR)
APPROVAL OF NEW OR REVISED)
FRANCHISE AGREEMENTS WITH)
KINGSPORT, BRISTOL,)
MORRISTOWN AND MAURY)
COUNTY)
)

**ATTORNEY GENERAL'S RESPONSE TO UNITED CITIES GAS COMPANY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

ATTORNEY GENERAL'S MOTION FOR EXTENSION OF TIME TO RESPOND

The Attorney General of the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter for the State of Tennessee ("Attorney General"), submits this response and objects to the motion for summary judgment submitted by United Cities Gas. Additionally, the Attorney General requests leave to file a supplemental response by 2:00 PM on November 21, 2001.

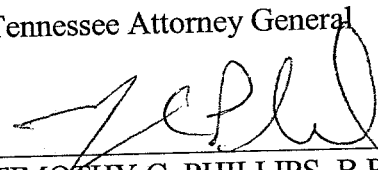
United Cities Gas is successful in its motion in pointing out some potential differences in the facts of the present matter and those before the court in City of Chattanooga v. BellSouth Telecommunications, et al., 2000 WL 122199 (Tenn. Ct. App., Jan. 26, 2000). However, the real issue remains as to the impact of those factual differences and whether or not these facts draw a legal distinction logically separating the franchise fees at issue in the present docket and the fees scrutinized in the City of Chattanooga case.

Due to the schedule of the assistant attorney general primarily responsible for this docket, which include both scheduled and unscheduled sick leave, the Attorney General has not been able to properly respond to the summary judgment motion. The Attorney General therefore requests an additional seven (7) days to respond to the motion. Counsel for United Cities Gas

Company is not opposed to the extension of time and the granting of this extension will not impact the ability of the parties to proceed with the hearing of this matter on November 27, 2001.

Respectfully submitted,

PAUL G. SUMMERS
Tennessee Attorney General

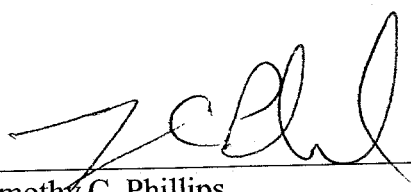

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served via facsimile transmittal and U.S. Mail on November 14, 2001.

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Assistant Attorney General